

Message Text

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PAGE 01 IAEA V 05296 200937Z

17

ACTION IO-10

INFO OCT-01 ARA-06 ISO-00 ACDA-05 CIAE-00 INR-07 L-03

NSAE-00 NSC-05 EB-07 NRC-05 OES-03 FEA-01 OIC-02

DODE-00 PM-03 H-02 PA-01 PRS-01 SP-02 SS-15 USIA-06

/085 W

----- 110442

R 191457ZSJUN 75 ZDK
FM USMISSION IAEA VIENNA
TO SECSTATE WASHDC 6010
INFO USERDA GERMANTOWN
AMEMBASSY TEGUCIGALPA

LIMITED OFFICIAL USE IAEA VIENNA 5296

EO 11652: NA

TAGS: PFOR, IAEA, TECH, HO

SUBJECT: RESUMPTION BY HONDURAS OF IAEA MEMBERSHIP

1. AGENCY LEGAL DIVISION HAS INFORMED MISSION THAT GOVERNMENT OF HONDURAS HAS EXPRESSED INTEREST IN RESUMING MEMBERSHIP IN IAEA, FROM WHICH IT WITHDREW IN JUNE 1967, AND HAS ASKED MISSION TO OBTAIN VIEWS OF USG, AS DEPOSITARY POWER FOR STATUTE, REGARDING PROCEDURES WHICH GOH SHOULD FOLLOW TO ACCOMPLISH THIS. SINCE GOH IS ONLY MEMBER STATE TO WITHDRAW FROM MEMBERSHIP AND THEN REAPPLY IN HISTORY OF THE AGENCY, THERE IS NO PRECEDENT TO WHICH AGENCY CAN REFER.

2. ARTICLE IV OF IAEA STATUTE DIVIDES MEMBERSHIP INTO TWO CATEGORIES: "INITIAL MEMBERS" COMPRISING THOSE STATES WHICH SIGNED STATUTE WITHIN 90 DAYS AFTER OPENING FOR SIGNATURE AND SUBSEQUENTLY DEPOSITED INSTRUMENTS OF RATIFICATION, AND "OTHER MEMBERS" WHICH DEPOSIT INSTRUMENTS OF ACCEPTANCE AFTER APPLICATION FOR MEMBERSHIP HAS BEEN APPROVED BY GC ON RECOMMENDATION OF BOARD

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PAGE 02 IAEA V 05296 200937Z

OF GOVERNORS. GOH WAS IN FACT AMONG "INITIAL MEMBERS"
AND MISSION WOULD SUPPOSE THAT SUBSEQUENT WITHDRAWAL DID
NOT ALTER THAT STATUS.

3. QUESTION TO BE ADDRESSED IS METHOD BY WHICH GOH
FORMALLY RESUMES MEMBERSHIP. THREE POSSIBLE
METHODS HAVE BEEN DISCUSSED: (A) RESUMPTION UNDER
ARTICLE IV A. AS "INITIAL MEMBER" BY DEPOSIT OF A NEW
INSTRUMENT OF RATIFICATION IN WASHINGTON, (B) RESUMPTION
AS "OTHER MEMBER" UNDER PROCEDURES DESCRIBED IN ARTICLE
IV B., (C) RESUMPTION AS "INITIAL MEMBER" BY OFFICIAL
NOTE TO THAT EFFECT TO DIRECTOR GENERAL OF IAEA AND/OR TO USG.

4. AGENCY LEGAL STAFF BELIEVES FIRST APPROACH WOULD
NOT BE SUPPORTED BY INTERNATIONAL LAW. SECOND METHOD
IS PREMISED ON LEGAL JUDGEMENT THAT "INITIAL MEMBER"
STATUS WAS NULLIFIED WHEN GOH WITHDREW FROM AGENCY.
THIRD METHOD WOULD PROBABLY BE WELCOME BY ALL CONCERNED

AS THE LEAST COMPLICATED, PROVIDED IT ACCEPTABLE TO
USG.

5. UNDERSTANDABLY, GOH DOES NOT WISH TO MOVE ON THE
MATTER UNTIL PROCEDURAL QUESTION IS RESOLVED. PLEASE
ADVISE. LEAHY

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*** Current Handling Restrictions *** n/a

*** Current Classification *** LIMITED OFFICIAL USE

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Margaret P. Grafeld
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06 JUL 2006

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TAGS: PFOR, PORG, TECH, HO, IAEA
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006